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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,345	05/03/2001	Abraham Benderly	A01040A	6887

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ROHM AND HAAS COMPANY
PATENT DEPARTMENT
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EXAMINER

LANGEL, WAYNE A

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 05/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

847345

Applicant(s)

Benderly et al

Examiner

Langel

Group Art Unit

1754

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-22 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-22 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4 and 5 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) The invention was described in (1) an application for patent, published under Section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nero et al. No distinction is seen between the

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process disclosed by Nero et al., and that recited in applicant's claims. Nero et al. disclose a process for the recovery of unreacted ammonia from the effluent obtained from a reaction zone wherein oxygen, ammonia and a hydrocarbon are reacted at an elevated temperature in the presence of an amoxidation catalyst to produce an unsaturated nitrile, comprising the steps of quenching the effluent with an aqueous ammonia phosphate solution, and heating the solution to an elevated temperature sufficient to reduce the ammonium ion concentration and to generate a vaporous stream containing ammonia. (See the Abstract and pages 3-5.) Nero et al. teach in paragraph [0046] on page 3 that the process includes a stripping step of treating the ammonia phosphate quench solution with a stripping gas to remove substantially all of the acrylonitrile and other useful coal-products from a second solution prior to the heating step, and that a gas such as propane, nitrogen or carbon monoxide may be used as the stripping gas.

Claims 1-22 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Carlson '148. No distinction is seen between the process disclosed by Carlson '148, and that recited in applicant's claims. Carlson '148 discloses a process for recovering ammonia from a mixture of gases containing ammonia and hydrogen cyanide which comprises passing the mixture through an

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aqueous absorbing solution of ammonium hydrogen phosphate, whereby substantially all of the ammonia and a minor portion of the hydrogen cyanide are absorbed in the solution and a major portion of the hydrogen cyanide passes unabsorbed from the solution, subsequently passing through the solution resulting from the above step such an amount of steam as to remove absorbed hydrogen cyanide but only a minor proportion of absorbed ammonia therefrom, subjecting the resulting solution to heating to strip remaining available ammonia therefrom, and collecting the ammonia stripped from the solution in the last step. (See column 4, lines 23-36.) The steam employed as a stripping gas in the process of Carlson '148 would constitute a "stripping gas substantially free of carbon dioxide" as recited in applicant's claims.

Brazdil et al. '635, Scheibel, Rice et al. and Carlson et al. '731 are made of record for disclosing methods for recovering ammonia from gaseous mixtures containing ammonia with other gases.

Brazdil et al. '214 is made of record for disclosing the reaction of propane and isobutane with oxygen and ammonia to make unsaturated nitriles and olefins.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne A. Langel whose telephone number is (703) 308-0248. The examiner

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can normally be reached on Monday through Friday from 8 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on (703) 308-3837. The fax phone number for this Group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2351.

WAL:cdc

May 1, 2003

Wayne A. Langel
WAYNE A. LANGEL
PRIMARY EXAMINER